



NEW YORK CITY POLICE DEPARTMENT
OFFICE OF DEPUTY COMMISSIONER LEGAL MATTERS

LEGAL BUREAU BULLETIN

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I. SUBJECT: LAWS OF 2012

II. INTRODUCTION SET FORTH ARE VARIOUS AMENDMENTS AND NEW LAWS
ENACTED DURING 2012 WHICH ARE OF INTEREST TO MEMBERS
OF THE SERVICE

NOTE: New matter is set in *italics*. All new laws are in effect as of the date of publication of this Bulletin unless otherwise indicated. Because of the abbreviated descriptions of new laws contained in this Bulletin, it is strongly recommended that members of the service read the applicable law before taking enforcement action, and direct any questions they may have to the Legal Bureau.

STATE LAWS

AGRICULTURE AND MARKETS LAW

ANIMAL FIGHTING PARAPHERNALIA CHAPTER 144

Chapter 144 adds a new subdivision (6) to Agriculture and Markets Law Section 351, "Prohibition of Animal Fighting," to prohibit the possession of animal fighting paraphernalia. Specifically, Section 351(6) prohibits the *intentional ownership, possession, sale, transfer or manufacture of animal fighting paraphernalia with the intent to engage in, promote or facilitate animal fighting*. Animal fighting paraphernalia is defined as items that are used, intended for use, or designed for use in the training, preparation, conditioning or furtherance of animal fighting. Examples of such paraphernalia are defined in the statute (breaking stick, cat mill, treadmill, springpole, and fighting pit) which also includes any other instrument commonly used in furtherance of pitting an animal against another animal. Violation of the prohibition is a class B misdemeanor punishable by up to 90 days' imprisonment and/or a fine up to \$500; a second violation within five years is punishable by up to a year's imprisonment and/or a fine up to \$1,000.

ALCOHOLIC BEVERAGE CONTROL LAW

CONSUMER TASTINGS AT STATE FAIRS AND FARMERS' MARKETS CHAPTER 484

Chapter 484 amends Alcoholic Beverage Control Law Section 61, to allow farm distilleries to conduct consumer tastings at state and county fairs and farmers' markets, and to apply for permits to sell liquor for off-premises consumption at such venues.

CORRECTION LAW

SEX OFFENDER PHOTOGRAPH CHAPTER 364

Chapter 364 amends Correction Law Section 168-f(3), part of the Sex Offender Registration Act, to provide that beyond the annual photograph required for level 3 sex offenders and sexual predators, a law enforcement agency may take a new photo of such an offender when the offender appears before the agency to verify his or her address (every 90 days), *if the offender's appearance has changed*. A copy of the new photograph must be promptly forwarded to the State Division of Criminal Justice Services.

EDUCATION LAW

EXTENSION OF CUNY TUITION WAIVERS FOR POLICE OFFICERS CHAPTER 70

Chapter 70 extends for two additional years the effectiveness of Education Law Section 6206(7)(c), which directs the City University of New York Board of Trustees to permit members of the NYPD in the rank of police officer, who are enrolled in programs leading to baccalaureate or higher degrees at a senior college, to attend one course without tuition, provided that the course is related to their employment as police officers. The law was extended to July 1, 2014.

See FINEST Message No. 396516, dated August 30, 2012.

BULLYING AND CYBERBULLYING CHAPTER 102

Chapter 102 is intended to protect students from bullying and cyberbullying in public schools, by requiring school districts to establish procedures to respond to and deter bullying and cyberbullying, while working to develop prevention strategies. Chapter 102 expands the definition of "harassment" in Education Law Section 11(7) to explicitly include "bullying" and "cyberbullying," so that all forms of mental, emotional or physical abuse are covered, whether verbal or non-verbal, and *including conduct committed off-campus which creates, or would foreseeably create, a risk of substantial disruption within the school environment*. "Cyberbullying" includes any of the conduct falling within the definition of "harassment" or "bullying," where the activity occurs through any form of electronic communication. The law

goes on to expressly prohibit bullying as well as harassment by school employees or other students.

The law expands Education Law Section 13 to require specific policies and procedures on the part of local school districts to address harassment, bullying and discrimination. The school principal, superintendent or designee is also required *to promptly notify local law enforcement if he or she believes that any harassment, bullying or discrimination constitutes criminal conduct.* The protection against civil liability already afforded by Education Law Section 16 to those reporting harassment or discrimination is expanded to specifically include reporting bullying as well.

Effective July 1, 2013.

SEX OFFENSES COMMITTED BY HEALTH CARE PROFESSIONALS CHAPTER 365

Chapter 365 amends Education Law Section 6510, Proceedings in Cases of Professional Misconduct, which governs administrative proceedings against licensed professionals alleged to have committed professional misconduct. The law adds a new subdivision (5-a) to provide that if a professional conduct officer determines there is a reasonable belief that a licensed health care provider or licensed mental health care provider has committed one of the listed sex offenses against a client during a treatment session, consultation, interview or examination, then the officer must notify law enforcement. The listed sex offenses are Rape in the 3rd degree, Criminal Sexual Act in the 3rd degree, Aggravated Sexual Abuse in the 4th degree, and Sexual Abuse in the 3rd degree.

ENVIRONMENTAL CONSERVATION LAW

POSSESSION OF WILD ANIMALS CHAPTER 326

Chapter 326 amends Environmental Conservation Law Section 11-0512, which generally prohibits the possession and sale of wild animals as pets. However, under some circumstances, the State Department of Environmental Conservation grants permits allowing the possession of a wild animal as a pet, as long as the owner complies with local laws and rules. Chapter 326 amends Section 11-0512 to *explicitly prohibit anyone, including someone with a permit, from intentionally releasing or setting at-large a wild animal from the place the animal is permitted to be possessed. The owner must also report any release or escape of the animal to the local police department and animal control authority, immediately upon discovery.* Violation of the prohibition against release, and failure to notify police, like other violations of Section 11-0512, are punishable by a fine of up to \$500 for a first offense and up to \$1,000 for a second or subsequent offense. In addition, Chapter 326 adds the cost of recapturing the animal to the costs that an owner must bear, in addition to the costs of seizing, transferring or euthanizing the animal.

It should be noted that in New York City, the ownership and possession of wild animals

is prohibited by the City's Health Code, Section 161.01. However, some limited exceptions are made, for example for veterinarians, zoos, and laboratories. In addition, the City Department of Health and Mental Hygiene has the authority to grant permits for the use and display of wild animals, such as for petting zoos, rodeos, schools, film or television shoots, and for other commercial purposes.

EXECUTIVE LAW

EXPANSION OF DNA DATABANK CHAPTERS 19, 55 PART A

Chapter 19 and Chapter 55, Part A amend Executive Law Section 995(7) to expand the designated offenses for which DNA samples must be submitted to the State's DNA databank. The list of specific offenses for which convicted defendants must submit DNA samples is eliminated and, instead, a DNA sample must be submitted by anyone convicted of a felony or a Penal Law misdemeanor. The only Penal Law misdemeanor which is not included among the convictions mandating submission of a DNA sample is a conviction for subdivision (1) of Penal Law Section 221.10, Criminal Possession of Marijuana in the 5th degree, where the marijuana is possessed in a public place, burning and/or in open view. For that crime, which is a class B misdemeanor, DNA submission will only be required if the defendant was previously convicted of any misdemeanor or felony.

The new law also sets forth who may collect DNA samples under various circumstances: for imprisoned defendants, corrections personnel; for defendants sentenced to probation, probation personnel; and for others whose sentences do not include prison or probation, court personnel. Where a required sample has not otherwise been collected, *any law enforcement officer may collect the sample when notified by the State Division of Criminal Justice Services that the convicted defendant has not provided a sample.*

AWARD ELIGIBILITY FROM STATE OFFICE OF VICTIM SERVICES CHAPTER 233

Chapter 233 amends Executive Law Section 624(1)(b) to expand the categories of relatives of homicide victims eligible to receive awards from the State Office of Victim Services. The law now *includes the guardian, brother, sister, stepbrother and stepsister* of a victim who died as a direct result of a crime among those eligible to receive a monetary award. Prior to this change, the law specifically allowed these categories of relatives of homicide victims to be reimbursed only for counseling expenses.

SURVEILLANCE CAMERA DATABASE CHAPTER 287

Chapter 287 adds a new Section 718 to the Executive Law, which requires the State Division of Criminal Justice Services to create a "voluntary surveillance access database." The law provides a framework for residential home owners and business owners who maintain electronic video surveillance systems to voluntarily register on the database. The information to

be provided is limited to the location of the surveillance system and the contact information for the owner, who may withdraw his or her registration at any time. Information from the database will be made accessible, upon written request, to any law enforcement agency solely for purposes of a criminal investigation. The information will otherwise remain confidential and unavailable pursuant to the Freedom of Information Law unless a subpoena or court order requires disclosure by DCJS.

GENERAL BUSINESS LAW

STATE BALLISTIC DATABANK REPEAL CHAPTER 55, PART B

Chapter 55, Part B repeals General Business Law Section 396-ff, which had established the State's electronic Pistol and Revolver Ballistic Identification Databank. The law had required firearms manufacturers shipping or delivering pistols or revolvers into New York State to include along with the firearm a shell casing of a bullet discharged from the firearm. The gunsmith or dealer receiving the firearm was required to forward the shell casing to the State Police for entry of relevant ballistic information into the electronic databank. As of March 30, 2012, Section 396-ff is repealed and the manufacturers' obligation to provide shell casings is eliminated.

ACCESS OF PRISON INMATES TO SOCIAL SECURITY NUMBERS CHAPTER 371

Chapter 371 amends General Business Law Section 399-ddd(2)(g) and Correction Law Section 170(1) *to prohibit any private or government entity from employing or using inmates, incarcerated in either local or State correctional facilities, in any capacity that involves obtaining access to, collecting or processing social security account numbers of other individuals.*

Note that in Chapter 371, General Business Law Section 399-dd was mistakenly renumbered as 399-ddd, which is also the number of a new section added to the General Business Law by Chapter 372, discussed below.

DISCLOSURE OF SOCIAL SECURITY NUMBERS CHAPTER 372

Chapter 372 adds a new Section 399-ddd to the General Business Law, "Disclosure of Social Security Number," prohibiting anyone (not including the State or political subdivisions) from *requiring an individual to disclose his or her social security number for any purpose*, and further prohibiting anyone from *refusing a service, privilege or right to an individual because of a failure to disclose a social security number*. There is an extensive list of exceptions to these prohibitions, including among them disclosure upon consent or pursuant to statute, the need for the number in connection with a request for credit or for purposes of employment, a criminal record check, or a request by law enforcement. Violations of the prohibitions are enforceable by the State Attorney General and punishable by a civil penalty of up to \$500 for a first offense and

up to \$1,000 for second and subsequent offenses.

JUDICIARY LAW

ELECTRONIC FILING CHAPTER 184

Chapter 184 amends a law originally enacted in 1999 which permitted the introduction of electronic filing (“e-filing”) for commencing actions and serving papers in civil actions, according to rules established by the State’s Chief Administrative Judge. Chapter 184 now authorizes the Chief Judge to introduce e-filing, on a voluntary basis, in both Supreme Court criminal cases and Family Court cases, upon consent of all the parties to a specific case. The law does not apply to New York City Criminal Court.

However, the Chief Judge is authorized *to mandate, rather than permit, e-filing* in up to six counties of the State under certain conditions. For criminal cases, the consent of the District Attorney, the criminal defense bar, and the County Clerk would be required, and the Chief Judge must provide an opportunity for all persons regularly appearing in such criminal actions in that county to comment on the change. Similarly, for Family Court cases involving juvenile delinquency or abuse and neglect petitions, the Chief Judge *may mandate e-filing* if the local presentment agency, child protective agency, and legal organizations representing parents and children consent, with an opportunity for all persons regularly appearing in those cases to comment.

The law specifically provides that the e-filing of papers in criminal or Family Court actions will not affect the sealing or confidentiality of such documents, or the laws and rules governing service of process. E-filed papers in criminal and Family Court cases will not be made available online, except that the Chief Judge may as a matter of discretion post unsealed criminal papers on line if posting would serve the public interest.

PRACTICING LAW WITHOUT A LICENSE CHAPTER 492

Chapter 492 adds a new Section 485-a to the Judiciary Law, upgrading from a misdemeanor to a class E felony certain violations related to practicing law without a license. Specifically, the law upgrades certain violations of Section 478 (practicing or appearing without being admitted and registered), 484 (appearing without being admitted), 486 (practicing while disbarred, suspended or convicted of a felony), and 495 (corporations and voluntary associations practicing law). The crimes are upgraded if (1) the offender impersonates an attorney or offers legal services under a title other than attorney, and (2) causes a person to suffer monetary loss or damages over \$1000, or to suffer other material damage resulting from impairment of a legal right.

Effective November 1, 2013.

PENAL LAW

FIREARMS EXEMPTION FOR STUDENTS CHAPTER 330

Chapter 330 adds a new paragraph (12-a) to Penal Law Section 265.20(a), containing exemptions from the Penal Law crimes of Criminal Possession of a Weapon, Unlawful Possession of Weapons by Persons Under 16, and Criminal Sale of Firearms, for possession of a pistol or revolver by a student. In order to qualify for the exemption, the student must be registered at a State-chartered institution of higher education and must be participating in a course in gun safety and proficiency offered by the institution. In addition, the student must possess the firearm at an indoor or outdoor shooting range and must be under the immediate supervision of a qualified instructor or other person authorized pursuant to Penal Law Section 265.20(a)(7).

ASSAULT OF NYC SANITATION WORKERS CHAPTER 377

Chapter 377 amends subdivisions (3) and (11) of Penal Law Section 120.05, Assault in the 2nd degree, to make it a felony to assault a New York City sanitation worker notwithstanding that the assault may not have resulted in serious physical injury. If the actor intends to prevent the worker from performing a lawful duty, or intends to cause physical injury to the worker while the worker is performing an assigned duty, and the actor causes physical injury to the worker, then the assault will constitute the second degree crime, a class D felony, rather than the misdemeanor level crime which would otherwise be charged.

ASSAULT OF SOCIAL SERVICE WORKERS CHAPTER 434

Chapter 434 amends Penal Law Section 120.05, Assault in the 2nd degree, by adding two new subdivisions, (3-a) and (11-a), making it a felony to assault an employee of a local social services district who is: 1) directly involved in investigation of or response to alleged abuse or neglect of a child, a vulnerable elderly person, or incompetent or physically disabled person; or 2) directly involved in providing public assistance and care.

Subdivision (3-a) makes it a felony if the actor intends to prevent the employee from performing an investigation or response, or from performing the job of providing public assistance or care, and causes physical injury to the employee. Subdivision (11-a) makes it a felony if the actor intends to cause physical injury to an employee directly involved in investigation or response to alleged abuse or neglect, and causes physical injury.

CHILD PORNOGRAPHY CHAPTER 456

Chapter 456 amends Penal Law Section 263.11, Possessing an Obscene Sexual Performance by a Child, and Section 263.16, Possessing a Sexual Performance by a Child, by

closing a loophole in the prohibition against possessing child pornography by including within the meaning of “possession” the *accessing with intent to view* such material. The law also adds a new subdivision (9) to Penal Law Section 263.00 ensuring that the Penal Law prohibitions against possessing, viewing or promoting such material do not apply to an offender’s attorney if the material is used for the purpose of representing the offender.

ENHANCED PROTECTION FOR VICTIMS OF DOMESTIC VIOLENCE CHAPTER 491

Chapter 491 amends the Penal Law to add a new Section 240.75, “Aggravated Family Offense,” a class E felony, which is committed *when a person commits a specified misdemeanor offense against any person, and was convicted within the five prior years of one or more specified offenses, committed against a person who was a member of the same family or household at the time the offense was committed.* The law contains an extensive list of the specified offenses which fall within the scope of Section 240.75, including crimes against both person and property.

In addition, Chapter 491 amends Penal Law Section 240.30, Aggravated Harassment in the 2nd degree, to add a new subdivision (4) making it a class A misdemeanor when a person, with intent to harass, annoy, threaten or alarm another person, *strikes, shoves, kicks or otherwise subjects another person to physical contact thereby causing physical injury to such person or to a family or household member of such person.*

The law also amends Criminal Procedure Law Section 510.30, regarding bail determinations, to add two new factors for the court to consider when determining bail or recognizance for a defendant charged with a crime against a member of the same family or household: any violation by the defendant of an order of protection issued by any court to protect a member of the same family or household; and the defendant’s history of use or possession of a firearm.

Finally, Chapter 491 amends Insurance Law Section 2612 to require health insurers to accommodate requests to communicate claim-related information by alternative means or alternative locations if the requestor states that disclosure of the information could endanger the requestor or his or her child. The provision is meant to assist domestic violence victims who are covered under a health insurance policy held by their abuser, and to eliminate the requirement that the requestor present an order of protection to the insurer in order to obtain this accommodation.

PUBLIC HEALTH LAW

UNLAWFUL SALE OF EMBALMING FLUID CHAPTER 29

Chapter 29 amends Public Health Law Section 3455(1) by adding a new paragraph (f), making it a misdemeanor for funeral professionals, other than for purposes within the general scope of their activities, *to knowingly give, sell, permit to be sold, offer for sale or display for*

sale embalming fluid to another person, with actual knowledge that the other person is not a funeral professional. The law is intended to prevent recreational and dangerous ingestion or inhalation of embalming fluid in combination with illegal drugs.

The law applies to funeral directors, undertakers, embalmers, and to registered residents (employees of the funeral firm who are not licensed but have passed a funeral directing exam). Embalming fluid is broadly defined in Public Health Law Section 3400(1) as any substance manufactured primarily for use by licensed funeral professionals to prepare, disinfect or preserve a body. In addition to the misdemeanor penalty, violations of this law subject the offenders to civil penalties and revocation of their licenses.

POST-EXPOSURE HIV TREATMENT

CHAPTER 39

Chapter 39 amends Public Health Law Section 2805-i to specifically require hospital emergency rooms to provide survivors of sexual assaults a seven day starter pack of HIV post-exposure prophylaxis (PEP) treatment, if it has been determined that a significant exposure to HIV has occurred. The law further requires, with the victim's consent, that the hospital provide or arrange an appointment for medical follow-up. The law provides that the State Office of Victim Services will reimburse hospitals for the cost of the HIV PEP medication.

USE OF TANNING FACILITIES

CHAPTER 105

Chapter 105 amends Public Health Law Section 3555, Restrictions on the Use of Ultraviolet Radiation Devices, by *raising from 14 to 17 the minimum age required to use a tanning facility, and requiring written parental consent for anyone 17 to 18 years of age.* The consent form must be signed in the presence of a facility employee, and expires twelve months from the date of signature.

RESTRICTIONS ON BODY PIERCING STUDIOS

CHAPTER 270

Chapter 270 adds a new Section 460-a to the Public Health Law, "Restrictions on Body Piercing Studios," *to prohibit owners, operators, or employees of body piercing studios from permitting body piercing of a person under 18 years of age unless a parent or guardian signs a written consent form in the presence of the facility owner or body piercing specialist.* The written consent form expires twelve months from the date of signature.

PRESCRIPTION DRUG ABUSE PREVENTION

CHAPTER 447

Chapter 447 is a comprehensive law intended to address prescription drug abuse in several ways: 1) by creating an enhanced mechanism, "I-STOP" (Internet System for Tracking Over-Prescribing), enabling medical practitioners, pharmacists, and the NYS Department of Health to better monitor and prevent possible prescription drug abuse; 2) by requiring all

prescriptions to be electronic in nature; and 3) by updating the State's schedules of controlled substances.

Part A of Chapter 447 adds a new Section 3343-a to the Public Health Law, entitled "Prescription Monitoring Program Registry," updating and expanding the current central registry maintained by the State DOH for tracking the prescribing and dispensing of controlled substances. New Section 3343-a(2) requires every practitioner to consult the registry before prescribing a controlled substance listed in Schedule II, III, or IV of Public Health Law Section 3306, for purpose of reviewing the patient's controlled substance history.

When a prescription for a controlled substance is presented to be filled, pharmacists are permitted but not required to consult the registry in order to review the patient's controlled substance history. However, upon dispensing any controlled substance, pharmacists and practitioners must make a report in real time to the registry providing all of the patient-specific information required.

Public Health Law Section 3371 is amended to specifically include authority for the State DOH to notify appropriate law enforcement agencies where it has reason to believe that a crime related to the diversion of controlled substances has been committed, and to provide relevant information as reasonably appears to be necessary.

Part A is effective August 27, 2013.

Part B of Chapter 447 adds a new Section 281 to the Public Health Law, entitled "Official New York State Prescription Forms," which incorporates the present requirements governing the issuance of prescriptions, namely that they must be serialized official State DOH forms. However, the law also now requires the State DOH to promulgate regulations, on or before December 31, 2012, establishing standards for electronic prescriptions. It further requires the exclusive use of electronic prescriptions for all purposes, including prescribing controlled substances, effective two years after the date on which the State DOH promulgates the necessary regulations. The obligation of practitioners to exclusively utilize electronic prescriptions will take effect two years after necessary regulations are promulgated, no later than December 31, 2014.

Part B is in effect.

Part C of Chapter 447 conforms the State's Controlled Substance Schedules (contained in Public Health Law Section 3306) to federal law, as well as moving substances from one schedule to another, and adding other substances not yet federally scheduled. Among other changes, the law moves small amounts of hydrocodone from Schedule III to Schedule II, adds tramadol in any quantity to Schedule IV, adds carisoprodol and fospropofol to Schedule IV, and places oripavine in Schedule II.

Part C is in effect.

ELECTRONIC CIGARETTES

CHAPTER 448

Chapter 448 amends Public Health Law Article 13-F to add electronic cigarettes to the list of tobacco-related products which are prohibited from being sold to those under 18 years of age. “Electronic cigarette” is defined in new subdivision (13) of Public Health Law Section 1399-aa as *a battery-operated device that contains cartridges filled with a combination of nicotine, flavor and chemicals that are turned into vapor which is inhaled by the user*. All of the prohibitions and conditions currently applicable to the sale of tobacco products, herbal cigarettes, and shisha contained in Public Health Law Sections 1399-cc, 1399-dd, and 1399-ff will also now apply to electronic cigarettes.

SMOKING RESTRICTIONS

CHAPTER 449

Chapter 449 adds a new subdivision (3) to Public Health Law Section 1399-o to prohibit smoking within 100 feet of entrances, exits or outdoor areas of any public or private elementary or secondary school, except that the prohibition does not include smoking within a residence or within the real property boundary lines of a residential property. A conforming change is made to the Education Law, defining school grounds to include entrances and exits for purposes of prohibiting tobacco use. This prohibition goes beyond New York City’s smoking ban, and, like other smoking restrictions, is primarily enforceable by local health departments.

SOCIAL SERVICES LAW

PROTECTION OF PEOPLE WITH SPECIAL NEEDS

CHAPTER 501

Chapter 501, entitled the “Protection of People with Special Needs Act,” is intended to protect people who are vulnerable because of their reliance on professional caregivers to help them overcome physical, cognitive and other challenges.

Part A creates a State-run “Justice Center” to protect children and adults with disabilities or other issues, as well as to protect those who attend day programs operated, licensed, or certified by the State. Among its many oversight responsibilities and functions, the Justice Center will create and maintain the “Vulnerable Persons’ Central Register,” which will be responsible for receiving and investigating reports of abuse of vulnerable persons, and will include a statewide 24-hour telephone hotline for the reporting of instances of abuse. The Center will maintain a database of names of individuals who commit egregious or repeated acts of abuse or neglect, which will bar them from future employment caring for vulnerable persons.

Part B adds a new Article 11 to the Social Services Law, entitled “Protection of People with Special Needs.” This new article describes the types of incidents that must be reported to the State Justice Center, similar to the mandatory reporting of suspected child abuse. The mandated reporters include peace officers, police officers, investigators employed in the office of

a District Attorney, and other law enforcement officials who become aware of a suspected reportable incident in their professional or official capacity.

Pursuant to new Section 491 of the Social Services Law, mandated reporters must make an immediate report to the Vulnerable Persons' Central Register, *if they have reasonable cause to suspect that an incident of abuse or neglect involving a person with special needs has occurred*. The victim must be a vulnerable person receiving services in facilities or by provider agencies operated, licensed or certified by the State. The report may be made to the hotline or by electronic transmission in a manner to be specified by the Center's Executive Director. If the report contains criminal allegations or an immediate threat to health, safety or welfare, Register personnel are required to convey the information in the most expedient manner available to law enforcement. The Justice Center is required to commence an investigation of all reportable incidents accepted by the Register.

New Social Services Law Section 488 contains extensive definitions for the type of conduct that constitutes a reportable incident, such as: *physical abuse; sexual abuse, psychological abuse; obstruction of reports of reportable incidents; and neglect*. Other reportable incidents that are less likely to be observed by police officers, and more likely to be observed by facility operators and staff, include: *deliberate inappropriate use of restraints; use of aversive conditioning; and unlawful use or administration of a controlled substance*.

A mandated reporter who *knowingly and willfully fails to report an allegation of suspected abuse or neglect to the Register is guilty of a class A misdemeanor*, and may be terminated from employment, subject to any collective bargaining agreement. The mandated reporter will also be subject to civil liability for any damages caused by such failure to report. The Justice Center is required to refer suspected cases of falsely reporting abuse or neglect to the appropriate law enforcement agency for further action. However, anyone acting reasonably and in good faith in making a report has immunity from criminal and civil liability, as long as they did not act with willful misconduct or gross negligence, and their good faith is presumed if they were acting in discharge of their duties and within the scope of their employment.

Parts A and B take effect June 30, 2013.

Part G amends Penal Law Section 240.50, Falsely Reporting an Incident in the 3rd degree, to include false reports of abuse or neglect of vulnerable persons made to the Vulnerable Persons' Central Register or to a mandated reporter. In addition, the law amends Penal Law Section 130.05(3), regarding lack of consent to sex offenses, to add a new category of individuals deemed incapable of consent to a sexual act: residents and in-patients of residential facilities operated, licensed or certified by the State Office of Mental Health, State Office for People with Developmental Disabilities, or State Office of Alcoholism and Substance Abuse Services, as long as the actor is an employee of the facility who is not married to the victim.

The current offense of Endangering the Welfare of an Incompetent or Physically Disabled Person, Penal Law Section 260.25, is upgraded from a class A misdemeanor to a class E felony and renamed as a first degree crime. The law creates a new class A misdemeanor, "Endangering the Welfare of an Incompetent or Physically Disabled Person in the 2nd degree,"

Penal Law Section 260.24. This new crime is committed if a person *recklessly engages in conduct which is likely to be injurious to the physical, mental, or moral welfare of a person who is unable to care for himself or herself because of physical disability, mental disease or defect*. The second degree crime is identical to the first degree crime, except that the conduct must be *reckless* for the second degree crime, and *knowing* for the first degree crime.

Part G is in effect.

VEHICLE AND TRAFFIC LAW

TRAFFIC CONTROL FEATURES AND DEVICES CHAPTER 228

Chapter 228 amends several sections of the Vehicle and Traffic Law in order to conform State law to the National Manual on Uniform Traffic Control Devices, with respect to certain traffic control features and devices. Specifically, the law adds new definitions of “circulatory roadway” (new VTL Section 106), “circular intersection” (new subdivision (c) of VTL Section 120), and “roundabout” (new VTL Section 140-d). It substitutes the term “circular intersection” for the prior term “rotary traffic island,” used in VTL Section 1127 to govern travel on one-way streets and around circular intersections.

Chapter 228 also amends VTL Section 1116, listing authorized lane-use signal indicators, by clarifying the language for each category. The law adds white to the allowable colors of green, yellow, and red, for purposes of indicating allowable turns from a left-turn only traffic lane. A steady white two-way left-turn arrow indicates that there may be oncoming traffic using the same lane to make left turns; a steady white one-way left-turn arrow indicates that there is no oncoming traffic. Finally, the law amends VTL Section 1685 to authorize the installation of “yield” signs at railroad grade crossings, as well as “stop” signs.

OFF STREET HANDICAPPED PARKING CHAPTER 274

Chapter 274 amends Vehicle and Traffic Law Section 1203-c, Off Street Parking Spaces for the Handicapped, to codify a requirement contained in the State Uniform Fire Prevention and Building Code, that not only off-street handicapped parking spaces, but also off-street handicapped parking space access aisles, be at least eight feet wide.

INTERCITY BUSES CHAPTERS 402, 410

Chapters 402 and 410 authorize the Mayor to establish an intercity bus permit system in the City, intended to address the proliferation of uncontrolled loading and unloading of passengers by interstate bus companies on New York City streets. Pursuant to the new law, the Mayor has directed the New York City Department of Transportation to design the necessary permit system, and DOT is currently developing the Traffic Rules which will implement the system.

Chapter 410 adds a new Section 1642-a to the Vehicle and Traffic Law, “Bus Permit System in Cities Having a Population of One Million or More,” which allows New York City to *prohibit intercity buses from loading or unloading passengers on its streets unless they do so with a permit to load and unload on designated streets in designated locations.* Intercity buses are defined as buses *which transport the general public between NYC and points outside in scheduled bus service, not including school buses, public transportation, or charter buses.*

In order to obtain the permit, bus companies will have to submit a detailed application including proposed pickup and drop off locations, and the bus company will be required to display a copy of the permit in each bus. DOT is directed to establish a schedule of fines or penalties for loading or unloading passengers without a permit, or failing to adhere to permit conditions, of up to \$1,000 for a first violation and up to \$2,500 for a second violation within two years, in addition to suspension or revocation of a permit. The law authorizes enforcement to take the form of a traffic violation returnable to the City’s Traffic Violations Bureau, or a parking violation returnable to the New York City Department of Finance (Parking Violations Bureau), as well as authorizing the use of a notice of violation returnable to the Environmental Control Board.

In implementing the new law, DOT will add the permit requirement and conditions to Section 4-10 of the NYC Traffic Rules, governing the operation of buses, and it is expected that the New York City Department of Finance will amend its schedule of fines and issue a new Violation Code to provide for the higher fines authorized by the bill for these violations.

AFFIRMATIVE DEFENSE TO MUNI-METER VIOLATION CHAPTER 486

Chapter 486 adds a new Section 241-b to the Vehicle and Traffic Law to provide an affirmative defense in the prosecution of muni-meter parking violations, with the burden of proof on the violator to show that he or she purchased a muni-meter ticket prior to or up to five minutes after the issuance of the summons, and that the receipt is valid for use at the time and location where the summons was issued. This law is similar to two local laws discussed below, Local Law Nos. 10 and 15, which together create an affirmative defense to the failure to display a muni-meter receipt, which may be offered in a proceeding before the Department of Finance.

VETERANS’ DRIVER’S LICENSES AND IDENTIFICATION CARDS CHAPTER 487

Chapter 487 amends Vehicle and Traffic Law Sections 490, 502 and 504 to provide for a space on driver’s licenses and non-driver identification cards that indicates the holder is a veteran of the US Armed Forces. The notation must be included if requested by the holder, who must provide documentation of honorable service satisfactory to the Commissioner of Motor Vehicles, with no additional fee for the notation.

Effective October 3, 2013.

LOCAL LAWS

AFFIRMATIVE DEFENSE FOR FAILURE TO DISPLAY MUNI-METER RECEIPT LOCAL LAW NOS. 10, 15

Together, Local Law Nos. 10 and 15 establish an affirmative defense to a parking violation issued for failure to display a muni-meter receipt. In order for the affirmative defense to be accepted by a hearing officer, the respondent must present a muni-meter receipt valid for the location and for the time the violation was issued, or up to five minutes thereafter, or the hearing officer finds that a receipt was purchased based on other suitable evidence. Note that these laws apply only to the adjudication of parking violations by the Department of Finance's hearing officers. They should not be confused with a different law enacted as Local Law No. 19 regarding cancellation of summonses, discussed below. Note also that a similar State law regarding the affirmative defense was enacted as Chapter 486, amending the Vehicle and Traffic Law as discussed above.

STREET NAME DESIGNATIONS HONORING FALLEN MEMBERS OF THE SERVICE LOCAL LAW NOS. 14, 48

Local Law Nos. 14 and 48 designate honorary names for public thoroughfares in recognition of several individuals, including fallen members of the service:

- Det. Kevin Czartoryski – Detective Kevin Czartoryski Place is located at 59th Road between 60th Street and 60th Lane, Queens;
- P.O. Irma Lozada – Police Officer Irma Lozada Way is located at Van Sinderen Avenue between Fulton Street and Broadway, Brooklyn;
- P.O. Nicholas Panico and P.O. Robert Byrnes – Police Officer Nicholas Panico and Police Officer Robert Byrnes Way is located on the southwest corner of West 25th Street and Surf Avenue, Brooklyn;
- P.O. Glen Pettit – Officer Glen Pettit Corner is located at the northwest corner of East 21st Street and 2nd Avenue, Manhattan; and
- P.O. Alain Schaberger Way – Alain Schaberger Way is located at Gold Street between Tillary Street and Tech Place, Brooklyn.

Six other deceased members are also honored:

- Dep. Comm., Administration Richard Sheirer (retired as Commissioner of OEM) – Commissioner Richard J. Sheirer Way is located at the intersection of Laconia Avenue and Atlantic Avenue, Staten Island;

- P.O. Anthony DiGiovanna – Police Officer Anthony DiGiovanna Way is located at the intersection of Arthur Avenue and East 186th Street, Bronx;
- P.O. Eric Hernandez – Police Officer Eric Hernandez Memorial Corner – is located at the southwest corner of East Mosholu Parkway North and Webster Avenue, Bronx.
- Det. Raymond Taylor – Det. Raymond “Pally” Taylor Way is located at the northwest corner of Forest Avenue and Pelton Avenue, Staten Island;
- P.O. Thomas X. Winberry – Thomas X. Winberry Way – is located at the intersection of Metropolitan Avenue and Ascan Avenue, Queens; and
- Telephone Operator Dorothy M. Allen – Dorothy M. Allen Place is located at Glenmore Avenue between Vermont Street and New Jersey Avenue, Brooklyn.

CANCELLATION OF PARKING SUMMONSES FOR MUNI-METER VIOLATIONS LOCAL LAW NO. 19

Local Law No. 19 adds a new section 19-215 to the Administrative Code, “Cancellation of Certain Tickets,” which requires enforcement personnel to “cancel,” at the scene, parking summonses issued by electronic means for failure to pay the muni-meter amount. *The motorist must present the enforcement agent with a valid muni-meter receipt stamped with a start time no later than 5 minutes after the time the summons was issued, and must present the receipt within the same 5 minute period, in order to have the summons cancelled.* The law requires cancellation language to be marked on the summons including the number of the muni-meter receipt shown, as well as requiring the reprogramming of the Parking Ticket Devices utilized by Traffic Enforcement Agents, to prohibit cancellation of the summons later than 5 minutes after issuance. The law also requires the Department of Transportation to report to the City Council annually regarding the number of summonses cancelled pursuant to the new law.

Note that this law applies only to summonses issued utilizing Parking Ticket Devices, and does not apply to handwritten summonses issued by enforcement personnel.

LIMITATION ON THE USE OF ADHESIVE STICKERS ON MOTOR VEHICLES LOCAL LAW NO. 20

Local Law No. 20 enacts a new Administrative Code Section 19-163.2, which *prohibits the Department of Transportation and Sanitation Department from affixing any adhesive sticker to a motor vehicle solely in connection with the enforcement of alternate side of the street parking rules.* Stickers affixed by other agencies or for other purposes are not affected by the law.

TRANSFER OF MUNI-METER TIME LOCAL LAW NO. 29

Local Law No. 29 enacts a new Administrative Code Section 19-167.2, entitled “Transfer of Muni-Meter Time.” The law states that parking time which is purchased at a muni-meter is valid for use during such time at any parking space where parking meter rules are in effect, if three conditions are met: *(1) the parking meter rate at the parking space is the same or less than the rate charged where the receipt was purchased; (2) the vehicle is not parked in excess of the time allowed by posted signs; and (3) the vehicle is not otherwise parked in violation of any law or rule.*

Regarding the first condition, although the parking meter rate paid is not listed separately on a muni-meter receipt, it may be calculated by using data on the receipt itself, dividing the amount paid by the difference between the start and expiration times listed on the receipt.

Regarding the second condition, for purposes of allowing the transfer of muni-meter time, the allowable time frame is calculated from the time the receipt was purchased as indicated on the receipt itself. So, for example, if a receipt was purchased at 1000 hours in a two-hour parking zone, and is displayed in a vehicle parked in a one-hour parking zone at 1115 hours, the vehicle is in violation at 1115 hours and may be summonsed.

Regarding the third condition, the intent behind this provision was to make clear that the transferred muni-meter receipt is valid for use in another parking space, but that the receipt does not confer immunity on a motorist committing a different violation. Therefore, even if the transferred muni-meter receipt is valid for the new location, the vehicle may still be summonsed for any other violation committed during that time.

INCREASED PENALTIES FOR ILLEGAL OPERATION OF FOR-HIRE VEHICLES LOCAL LAW NO. 32

Local Law No. 32 amends Administrative Code Section 19-506 to increase the existing civil and criminal penalties for driving a for-hire vehicle without a Taxi and Limousine Commission driver’s license and for operating a for-hire vehicle that does not have a TLC vehicle license. The minimum fine for such violations is increased from \$400 to \$1,000 and the maximum is increased from \$1,000 to \$2,000, in addition to imprisonment for up to 60 days.

The law also introduces a new type of violation in Section 19-506(b)(2), which specifically prohibits *operating a for-hire vehicle in a manner beyond the scope of the activities permitted by the vehicle’s license*, punishable by a fine between \$400 and \$1,000 and/or 60 days’ imprisonment. An alternative civil penalty for the new violation is also established, between \$200 and \$1,500, enforced by a notice of violation returnable to TLC. Vehicles operated in violation of the terms of their license may also be seized, pursuant to Section 19-506(h)(1).

The new violation is intended to address a specific category of livery license authorized to be issued by Taxi and Limousine Commission, for “HAIL vehicles.” This license allows livery drivers to pick up street hails throughout the City, except in Manhattan south of East 96th

Street or south of West 110th Street, or at the airports. HAIL vehicles are also permitted to pick up passengers by pre-arranged call, at airports and outside the prohibited Manhattan area. However, due to a legal challenge, implementation of the new category of HAIL license has been enjoined, and the TLC is not accepting applications for these licenses as of the publication of this Bulletin. For more information regarding the HAIL license, see Legal Bureau Bulletin, Vol. 42, No. 1, Laws of 2011.

FACILITATION OF SEX TRAFFICKING WITH FOR-HIRE VEHICLES LOCAL LAW NO. 36

Local Law No. 36 adds a new paragraph (3) to Administrative Code Section 19-507(b), prohibiting a driver or owner of a Taxi and Limousine Commission (TLC)-licensed vehicle or base station from *facilitating sex trafficking with a vehicle*, defined as *using a TLC-licensed vehicle to commit one of the following Penal Law crimes, as evidenced by a conviction for such crime: Promoting Prostitution in the 1st, 2nd or 3rd degree, Sex Trafficking, or Compelling Prostitution*. The new violation is punishable by a \$10,000 civil penalty and mandatory revocation of the driver's TLC license, the vehicle's TLC license if the driver is the owner of the vehicle, and the base station license, if the base station licensee committed the facilitation.

The law also requires that the TLC develop and begin to implement a program to notify their licensed drivers of this new law and to provide information to drivers about resources available to assist sex trafficking victims. The program must include instruction that drivers may not refuse fares because of the appearance of an individual or the individual's actual or perceived gender, sexual orientation, or gender identity. Completion of the program will be a requirement for initial licensure and subsequent license renewal.

COMMERCIAL BICYCLES LOCAL LAW NOS. 52, 54, 55, 56

Local Laws 52, 54, 55 and 56 update and revise Administrative Code Section 10-157, generally regulating commercial bicycles, as well as Section 10-157.1, regarding signage required to be posted by businesses using bicycles for commercial purposes.

Three of the new laws make limited changes to the current law: Local Law No. 52 requires that vests provided to and worn by commercial bicyclists be reflective; Local Law No. 54 requires commercial bicyclists to complete a safety course; and Local Law No. 55 allows enforcement of the commercial bicycle laws by the Department of Transportation as well as NYPD and any other person authorized by law. This third new law facilitates enforcement by a unit established within DOT, specifically tasked with enforcing the laws pertaining to businesses which use bicycles for commercial purposes.

The fourth new law, Local Law No. 56, comprehensively revises and updates the current Administrative Code sections in several ways. It closes a possible loophole by *explicitly including motorized bicycles within the definition of bicycle*, only for the purposes of these Administrative Code sections, so that violators will not be able to evade penalties because their motorized bicycles are in fact not bicycles, but motor vehicles. The law changes the

identification plate which must be attached to a bicycle used for commercial purposes *from one that identifies the operator, to one that identifies the bicycle itself*. The law changes the information required to be on the commercial bicyclist's identification card to remove the operator's residence address, but *requires the business to maintain a roster of operators which includes their residence addresses*. The law eliminates the requirement that businesses maintain a daily trip log of all deliveries or file an annual report with the Police Department.

Another major change included in Local Law No. 56 is the creation of civil penalties against businesses violating any provision of Administrative Code Sections 10-157 and 10-157.1; in addition to the criminal penalties that already exist, a first violation will be punishable by a \$100 civil penalty, and there will be an additional \$250 civil penalty for a second violation for the same conduct committed more than 30 days after a first violation. The penalties may be enforced by a notice of violation returnable to the Environmental Control Board.

The law retains an explicit provision contained in the current law, holding businesses responsible for their employees' compliance with the law, and amends the provisions regarding the operators themselves to make clear that operators are committing traffic infractions if they fail to have a license plate on their bicycle or to wear the required reflective vest, in addition to the current requirements that they carry and produce their identification card and wear a helmet.

Because the changes to Administrative Code Section 10-157 are detailed and are set forth in multiple bills, and the subject matter of the separate subdivisions has in some cases changed, an appendix to this Bulletin has been prepared with a subdivision-by-subdivision summary of the changes to Section 10-157.

Effective April 24, 2013.

TAXICAB ACCESSIBILITY FOR VISUALLY IMPAIRED PASSENGERS LOCAL LAW NO. 57

Local Law No. 57 adds a new section 19-538 to Administrative Code, "Vision Impairment Accessibility Requirements," to require that taxicabs be accessible to passengers with visual impairments. The law defines such accessibility in two ways. First, taxicabs must be equipped with instructions for contacting the Taxi and Limousine Commission in Braille and large-print text, on the same side and in the same passenger compartment in each taxicab. Second, if a taxicab has "payment technology" (credit card payment devices) installed, the device must be in the same passenger compartment in each taxicab and should provide a payment option with audio fare information and instruction, to permit visually impaired passengers to pay the fare unassisted. Violations of Section 19-538 subject taxicab owners and drivers to civil penalties adjudicated by the Taxi and Limousine Commission.

PEDICAB FARES, INFORMATION CARDS LOCAL LAW NO. 59

Local Law No. 59 amends Administrative Code Section 20-260, which governs the rates which may be charged for pedicab rides. Section 20-260(a) now provides that the rate must be

calculated per minute per ride, rather than giving the operator discretion to charge a flat rate or additional fees. The law does not mandate a particular rate per minute, which will be set by the business, but no added fees may be charged, such as fees for additional passengers.

The law amends Section 20-260(c) to revise and expand the “pedicab information card” that pedicab drivers must provide to passengers. The card will now be designed by the Department of Consumer Affairs and contain basic consumer protection information, as well as blanks which must be filled in by the operator: the pedicab operator’s license number, the business name, address, telephone number and business license number; and the rate to be charged. The law requires the operator to give the card to passengers before they enter the pedicab. Then, at the conclusion of the ride, the operator must take back the card and fill in other blanks, indicating: the date; the total number of minutes (or fractions of a minute) of the ride; and the total charge for the ride. The operator then must return the card to the passenger.

Consistent with the change in calculation of allowable rates, the law amends Administrative Code Section 20-254 to require every pedicab to be equipped with a timer, approved by DCA, affixed within clear view of passengers. Section 20-260 requires the operator to activate the timer when all passengers are seated and the ride begins, and to stop the timer when the pedicab has reached its destination and the pedicab is at a full stop.

In addition, the law broadens the signage requirements contained in Administrative Code Section 20-254 to mandate signage on both sides of the pedicab exterior, indicating the dollar amount to be charged per minute per ride, in letters and numbers at least two inches high. The sign must also bear notice, in letters at least a half inch high, that no additional fees may be charged, and that drivers must give passengers the pedicab information card as described above. A third sign must be displayed on the rear of the pedicab’s bicycle seat, stating the dollar amount to be charged per minute per ride, also in letters and numbers at least two inches high.

Violation of any of the provisions of Sections 20-254 and 20-260 are traffic infractions, and are also punishable by a civil penalty of between \$200 and \$500 with increased penalties for multiple violations.

Effective April 12, 2013.

This Legal Bureau Bulletin was prepared by
the Legislative Affairs Unit.

APPENDIX
COMMERCIAL BICYCLES
NYC ADMINISTRATIVE CODE SECTION 10-157

COMPARISON OF FORMER LAW TO AMENDED LAW

SECTION	FORMER LAW	NEW LAW
10-157(a)	Requires entities engaging in delivering items by bicycle to (1) affix a sign to the rear of the bicycle or on both sides of the delivery basket with the name of the business and a three-digit ID number of the operator; and (2) to require the operator to wear apparel with the business name and operator's ID number on the back.	Defines "business using a bicycle for commercial purposes" and uses that terminology throughout; also defines "bicycle" not only to include the traditional definition but also to include any wheeled device propelled exclusively by human power and any motor-assisted device that is not capable of being registered by the DMV. Exempts from the law persons under 16 who use a bicycle to deliver daily newspapers or circulars.
10-157(b)	Requires business to issue every bicycle operator a numbered ID card containing the operator's name, residence address, and photo, as well as the business' name, address and telephone number. The ID must be carried while the operator is riding the bicycle on behalf of the business, and must be produced on demand of a police officer or other law enforcement officer.	Requires business to affix a metal or plastic sign to the rear of the bicycle or on both sides of the delivery basket, measuring at least 3"x5" with the name of the business and an ID number unique to that bicycle in letters and numerals at least 1" high, plainly readable at 10 feet and maintained in good condition.
10-157(c)	Requires business to maintain a log book including employee information: name, residence address, date of employment and discharge, and ID number. Log book must also include a daily trip record and must be available for inspection during regular and usual business hours.	Requires business to assign to every operator employed by the business a 3-digit ID number; business must issue every operator an ID card containing the name, ID number and photo of the operator as well as the business' name, address and telephone number. Business must ensure that the ID is carried while the operator is riding the bicycle on behalf of the business, and the operator is separately required to carry the ID and to produce it on demand of an authorized employee of the NYPD, DOT, or any other person authorized by law.

SECTION	FORMER LAW	NEW LAW
10-157(d)	Requires business to file an annual report with the Police Department, and holds business responsible for employees' compliance with law. Exempts from the law persons under 16 who use a bicycle to deliver daily newspapers or circulars.	Requires business to maintain a roster of operators employed by the business, including name, residence address, date of employment and discharge, 3-digit ID number, and whether employee has completed a required safety course. Roster must be available for inspection during regular and usual business hours or any other time the business is open, on request of authorized employee of NYPD or DOT or any other person authorized by law.
10-157(e)	Requires business to provide protective headgear suitable for each operator. Operator must wear headgear while operating a bicycle on behalf of the business.	(1) Requires business to provide protective headgear suitable for each operator. (2) Operator must wear headgear while operating a bicycle on behalf of the business. (3) Requires operator to complete a bicycle safety course as specified by DOT prior to operating a bicycle on behalf of business. Requires business to indicate in roster the completion of course, to ensure that all operators complete safety course, to maintain records of completion of safety course, and to make records available for inspection during regular business hours or any other time the business is open, on request of authorized employee of NYPD or DOT or any other person authorized by law.
10-157(f)	Requires business to provide and ensure bicycle is equipped with a lamp, bell or other audible signal device, brakes, reflective tires or a reflex reflector mounted on the spokes of each wheel, and any other device required by VTL Section 1236.	Requires business to provide and ensure bicycle is equipped with a lamp, bell or other audible signal device audible from at least 100 feet away (but not including a siren or whistle), brakes, reflective tires or a reflex reflector mounted on the spokes of each wheel, and any other device required by VTL Section 1236.
10-157(g)	Except for violations by operators specified in 10-157(h), violation of any provision is a criminal violation with a fine between \$100 and \$250 and/or 15 days' imprisonment.	Holds business responsible for employees' compliance with law. Any violation by business is a criminal violation with a fine between \$100 and \$250 and/or 15 days' imprisonment. Violation is also punishable by a civil penalty of \$100, with an additional \$250 civil penalty for a second violation for the same conduct committed more than 30 days after a first violation. The penalties may be enforced by a notice of violation returnable to the Environmental Control Board.

SECTION	FORMER LAW	NEW LAW
10-157(h)	Operators who fail to carry ID card, fail to produce the ID on demand, or fail to wear protective headgear, are guilty of traffic infraction with a fine between \$25 and \$50. An affirmative defense is provided if the business failed to provide the required headgear.	Operators violating requirements to carry and produce the bicycle ID sign and the ID card, to wear the protective headgear, or to wear the retro-reflective apparel, are guilty of traffic infraction with a fine between \$25 and \$50. An affirmative defense is provided if the business failed to provide the required ID sign, ID card, headgear or apparel.
10-157(i)	None	Requires business to provide for and require each operator to wear, and each operator shall wear, a retro-reflective jacket, vest, or other apparel on the upper part of the body as the outermost garment, with the business name and operator's ID number on the back, in letters and numerals at least 1" high, plainly readable at 10 feet.
10-157(j)	None	Provides that the section is enforceable by authorized employees of NYPD or DOT or any other person authorized by law.